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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/046,834

01/15/2002

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11195-37

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05/31/2007

EXAMINER

OYEBISI, OJO O

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

05/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/046,834	SINGHAL, TARA CHAND	
	<b>Examiner</b>	<b>Art Unit</b>	
	OJO O. OYEBISI	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21, 24-37, 41 and 45-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-21, 24-37, 41 and 45-50 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

In the amendment filed on 03/05/2007 the following have occurred: claims 1, 21, 32 and 41, and claims 22, 23, and 42-44 have been deleted. The amendment filed on 03/05/2007 has added further structural limitations to the claims, such as the ones in claims 1, 21, 32, and 41 which have rendered the patent application to have two or more independent and/or distinct inventions. As a result, the United States Patent and Trademark has to further restrict the patent application.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-20, drawn to a payment system between a customer and a merchant that facilitates a private and secure payment transaction to the merchant comprising: a central system; **a portable wireless device**; a merchant sales [display] terminal; and a terminal identification tag with a displayed terminal identification; the central system, **the portable wireless device** and the merchant terminal on a global computer network;
- b. the central system pre-stores customer bankcard data, **merchant terminal identification data, and is interfaced to directly by the wireless device communicating the merchant terminal identification data and a payment amount, thus bypassing the merchant point of sale system from receiving the customer bank card data for a payment transaction**, wherein the terminal identification is used by the

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central system to forward a payment authorization notification to the merchant sales terminal, classified in class 705, subclass 40.

- II. Claims 21, 24-29, drawn to a payment system for a private and secure payment transaction between a customer and a merchant comprising: a central system; a payment card with an encrypted card number that does not have customer personal data, classified in class 705, subclass 16.
- III. Claims 32-37, drawn to a payment system for private and secure payment transactions between a customer and merchant comprising: a central system; **a standard bankcard**; a merchant card reader; and a merchant sales terminal, the central system, the merchant reader and the display terminal independent of each other are on a global computer network, **wherein the card reader is able to communicate card data directly to the central system without it being routed through the merchant computer system**, classified in class 235, subclass 380.
- IV. Claims 41, 45-50, drawn to a private and secure payment system between two parties comprising: a central system; a portable wireless device belonging to a party A; the central system and the portable wireless device are on a global computer network;
  - b. a function in the wireless device that enables entry of, at time of payment transaction from party A to party B, a party B's identification that may include a coded number such as a telephone number, and a payment

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amount is entered into the wireless device, wherein the portable wireless device is used to effect a private and secure payment transaction to the party B.

c. on activating a payment function in the wireless device, a data record including at-least the party B's identification, the payment amount and a portable wireless device identification is transferred over the global network to the central system, classified in class 705, subclass 40.

2. The inventions are distinct, each from the other because of the following reasons

- Inventions I and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a payment system wherein a portable wireless device, with an interface means, at time of payment transaction interfaces with a merchant system to communicate merchant terminal identification data and a payment amount, thus bypassing the merchant point of sale system from receiving the customer bank card data for a payment transaction, whereas invention II relates to a payment system, wherein a payment card with an encrypted card number that does not have customer personal data is used to effect a private and secure payment transaction. Hence invention I has a different utility and scope than invention II.
- Inventions I and III are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I

relates to a payment system wherein a portable wireless device, with an interface means, at time of payment transaction interfaces with a merchant system to communicate merchant terminal identification data and a payment amount, thus bypassing the merchant point of sale system from receiving the customer bank card data , whereas invention III relates to a payment system wherein a standard bankcard is used to effect a private and secure payment transaction. Hence invention I has a different utility and scope than invention III.

- Inventions I and IV are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a payment system wherein a portable wireless device, with an interface means, at time of payment transaction interfaces with a merchant system to communicate merchant terminal identification data and a payment amount, thus bypassing the merchant point of sale system from receiving the customer bank card data for a payment transaction, whereas invention IV relates to a payment system between two parties wherein a portable wireless device belonging to one party is used to effect a private and secure payment transaction to a second party. Hence invention I has a different utility and scope than invention IV.
- Inventions II and III are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II relates to a payment system, wherein a payment card with an encrypted card

number that does not have customer personal data is used to effect a private and secure payment transaction, whereas Invention III relates to a payment system wherein a standard bankcard is used to effect a private and secure payment transaction. Hence invention II has a different utility and scope than invention III.

- Inventions II and IV are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention II relates to a payment system, wherein a payment card with an encrypted card number that does not have customer personal data is used to effect a private and secure payment transaction, whereas Invention IV relates to a payment system between two parties wherein a portable wireless device belonging to one party is used to effect a private and secure payment transaction to a second party. Hence invention II has a different utility and scope than invention IV.

- Inventions III and IV are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention III relates to a payment system wherein a standard bankcard is used to effect a private and secure payment transaction, whereas Invention IV relates to a payment system between two parties wherein a portable wireless device belonging to one party is used to effect a private and secure payment transaction to a second party. Hence invention III has a different utility and scope than invention IV.

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Because these inventions are distinct for the reasons given above and the search required for one Group is not required for another Group. Restriction for examination purposes as indicated is proper.

3. Applicants are advised that reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD E. CHILCOT can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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PRIMARY EXAMINER  
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